UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,500	04/21/2004	John D. Robinson	AST-0001	4294

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EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.
    4a) Of the above claim(s) _1-14_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _15-23_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment received March 5, 2008. The restriction

mailed Oct. 9, 2007 has not been traversed. Therefore, the restriction has been made

final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Beyda

et al., U.S. Patent No. 6,275,850 (referred to hereafter as Beyda).

As to claim 15, Beyda teaches a method for restoring electronic mail messages

to a mail server, the method comprising:

determining that an electronic mail message addressed to a particular user is

resident at a mail server (see col. 6 lines 63-col. 7 lines 60, an email is received at the

server addressed to a client);

receiving the electronic mail message at a mail client from the mail server

pursuant to an electronic mail downloading procedure that entails deleting the electronic

mail message from the mail server (see col. 6 lines 7-60 and col. 8 lines 27-34, the

email is sent to the receiver based on a determination with respect to a plurality of

rules);

receiving a request to restore the electronic mail message on the mail server following a completion of the electronic mail downloading procedure (see col. 8 lines 8 lines 40-47, the original message is sent back to the server in response to a forward request); and

restoring the electronic mail message as though it had not been downloaded from the mail server in response to receiving the request (see col. 8 lines 45-55, the copy of the received email is sent to the server).

As to claim 16, Beyda teaches the method of claim 15, further comprising:

determining whether the electronic mail message is an appropriate candidate for restoration prior to restoring the electronic mail message (see col. 8 lines 35-40, a determination is made as to whether there is a modification to the attachment and in response to the determination, a copy of the message is sent to the server).

As to claim 17, Beyda teaches the method of claim 15, wherein restoring the electronic mail message comprises:

creating a temporary message file that includes a re-written header and an original message body corresponding to the electronic mail message, wherein the re-written header indicates that the message is being sent from the original sender of the electronic mail message and to the particular user; and transmitting the temporary message file to the mail server (see col. 8 lines 48-61, the email with the same content is transmitted back to the server).

As to claim 18, Beyda teaches a computer program product for restoring

electronic mail messages to a mail server, the computer program product stored on a

computer readable medium and adapted to perform operations comprising:

determining that an electronic mail message addressed to a particular user is

resident at a mail server (see col. 6 lines 63-col. 7 lines 60, an email is received at the

server addressed to a client);

receiving the electronic mail message at a mail client from the mail server

pursuant to an electronic mail downloading procedure that entails deleting the electronic

mail message from the mail server (see col. 6 lines 7-60 and col. 8 lines 27-34, the

email is sent to the receiver based on a determination with respect to a plurality of

rules);

receiving a request to restore the electronic mail message on the mail server

following a completion of the electronic mail downloading procedure (see col. 8 lines 8

lines 40-47, the original message is sent back to the server in response to a forward

request); and

restoring the electronic mail message as though it had not been downloaded

from the mail server in response to receiving the request (see col. 8 lines 45-55, the

copy of the received email is sent to the server).

As to claim 19, Beyda teaches the computer program product of claim 18,

wherein the operations further comprise:

determining whether the electronic mail message is an appropriate candidate for

restoration prior to restoring the electronic mail message (see col. 8 lines 35-40, a

determination is made as to whether there is a modification to the attachment and in

response to the determination, a copy of the message is sent to the server).

As to claim 20, Beyda teaches the computer program product of claim 18,

wherein restoring the electronic mail message comprises:

creating a temporary message file that includes a re-written header and an

original message body corresponding to the electronic mail message, wherein the re-

written header indicates that the message is being sent from the original sender of the

electronic mail message and to the particular user; and transmitting the temporary

message file to the mail server (see col. 8 lines 48-61, the email with the same content

is transmitted back to the server).

As to claim 21, Beyda teaches a system for restoring electronic mail messages to

a mail server, the system comprising:

a e-mail management module, which determines that an electronic mail message

addressed to a particular user is resident at a mail server (see col. 6 lines 63-col. 7 lines

60, an email is received at the server addressed to a client);

an e-mail restoration module, in communication with the e-mail management

module, which receives a request to restore the electronic mail message on the mail

server following a completion of the electronic mail downloading procedure (see col. 8

lines 8 lines 40-47, the original message is sent back to the server in response to a

forward request); and

restores the electronic mail message as though it had not been downloaded from the mail server in response to receiving the request (see col. 8 lines 45-55, the copy of the received email is sent to the server).

As to claim 22, Beyda teaches the system of claim 21, wherein the e-mail restoration manager determines whether the electronic mail message is an appropriate candidate for restoration prior to restoring the electronic mail message (see col. 8 lines 35-40, a determination is made as to whether there is a modification to the attachment and in response to the determination, a copy of the message is sent to the server).

As to claim 23, Beyda teaches the system of claim 21, wherein the e-mail restoration manager restores the electronic mail message by creating a temporary message file that includes a re-written header and an original message body corresponding to the electronic mail message, wherein the re-written header indicates that the message is being sent from the original sender of the electronic mail message and to the particular user, and transmitting the temporary message file to the mail server (see col. 8 lines 48-61, the email with the same content is transmitted back to the server).

Response to Arguments

3.   Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that A)Beyda does not disclose deleting the email after downloading a copy to the client; B) Beyda does not disclose restoring the email to the server in response to a request by the client.

In response to A) Beyda teaches a system and method for managing emails and attachments (see abstract). The system and method include downloading email from an email server to an email client in response to client requests. It is inherent that an email client would be able to delete emails on a server after downloading an email. Also the claim language does not explicitly state that the email is deleted from the server. The claim language suggests that the email may be deleted by stating "entails deleting the email".

The applicant is reminded that the claims must be given their broadest reasonable interpretation. The claim language fails to clearly recite in response to the "download" request, the email is downloaded and "deleted" from the server. Examiner believes that amendment to specify that it is in fact the email is deleted in response to the download request would clearly define the scope of the claimed limitation and overcome the cited prior art.

In response to B) Beyda also teaches that the client may reply to the email by sending the content of the original email and also a modified content or a message that the client entered. The reply message, which includes the original email, is sent from the client to the email server (see col. 8 lines 40-47). Examiner interprets the reply request as "restore request".

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is

(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

June 17, 2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157